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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,875	11/08/2001	Shinji Seto	Sada Case 794	5314

7590 11/17/2004
FLYNN, THIEL, BOUTELL & TANIS, P.C.
2026 Rambling Road
Kalamazoo, MI 49008-1699

EXAMINER

SAMS, MATTHEW C

ART UNIT PAPER NUMBER

2643

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,875

Applicant(s)

SETO ET AL.

Examiner

Matthew C. Sams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/26/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement filed on 1/26/2004 has been considered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites a means for preventing an oscillation phenomenon occurring between the transmitter/receiver sections of two sets of communication equipment, but does not appear in combination with another recited steps, therefore it is subject to an

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undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983). The present claim depends on a single recited step, a fact situation comparable to Hyatt, where the claim covers every conceivable structure for achieving the stated property (result) while the specification discloses at most only those known to the inventor. Therefore, the specification is non-enabling for failing to disclose all possible means, methods for performing the stated function.

6. Regarding claims 1 and 5, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

7. The term "similar" in claim 2 is a relative term which renders the claim indefinite. The term "similar" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The "microphone and an amplifier circuit" is not adequately described in claim 2 to be able to compare the "microphone and an amplifier circuit" to another claimed item.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-4 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Peterson et al. (US-6,728,546 herein after, Peterson).

Regarding claim 1, Peterson discloses an oscillation prevention circuit in one of the communications devices in a two-point telephone communication system. (Col. 25 lines 54-67, Col. 26 claims 4 & 5, and Col. 27 lines 28-35)

Regarding claim 2, Peterson discloses a transmitter section that includes a microphone and a receiver section that includes a speaker. (Col. 26 claim 4) Peterson does not specifically mention an amplifier circuit in either section, but it is well known in the art, in order to use a microphone or speaker, an amplifier would be needed to increase the signal strength from the transmission level.

Regarding claim 3, Peterson discloses a means of oscillation prevention which keeps the receive audio from mixing with the transmit audio. (Col. 8 lines 59-64) Peterson discloses a telephone system that uses a half-duplex transmission signal. (Col. 27 lines 28-35) It is well known in the art that a half-duplex transmission allows each end of the communications circuit to transmit and receive, but not simultaneously. Half-duplex transmission will keep the transmitter and receiver section from being turned on at the same time.

Regarding claim 4, Peterson discloses an oscillation prevention circuit with a control unit. (Fig. 4 [44]) Peterson does not specifically state that the control unit will comprise a pair of switch drives, a flip-flop and an oscillation circuit. It is well known in the art that this is only one of the many ways to execute this circuit. Peterson's control

unit (Fig. 4 [44]) is configured to route the transmit and receive signals through the hybrid (Fig. 4 [42]), while keeping the transmitter and receiver section from being turned on at the same time. (Col. 9 lines 9-11)

10. Claims 5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of Larsson et al. (US-6,697,638 herein after, Larsson).

Peterson discloses an oscillation prevention circuit with a transmitter/receiver and all of the limitations of claim 1. Peterson differs from the claimed invention in not specifically stating a master/slave relationship and that a second weaker electromagnetic wave is transmitted from a first transmitter/receiver and received by a second transmitter/receiver. However, Larsson discloses a transmitter/receiver tandem that includes a master/slave relationship. (Col. 3 lines 1-3) Larsson discloses a second electromagnetic wave that is much weaker than the first electromagnetic wave and is transmitted by the transmitter/receiver tandem. (Col. 2 lines 21-29 and 37-49) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the oscillation prevention circuit in a two point telecommunication system of Peterson with a transmitter/receiver tandem like that of Larsson. One of ordinary skill in the art would have been motivated to do this since having a second transmitter/receiver section that operates as a Bluetooth[®] piconet allows for two communication networks. One communication network is with the public cellular communications network and the second network is a local network between Bluetooth[®] devices. (Col. 2 lines 20-29)

Regarding claim 7, the limitations of the claim are rejected as the same reason set forth in claim 5.

Regarding claim 8, Larsson discloses a second transmitter/receiver that can communicate with a desired party from a plurality of parties registered in memory of the equipment. (Col. 3 lines 1-15)

Regarding claim 9, Larsson discloses a weak electromagnetic wave with a transmission power of 0.008 W or less. (Col. 2 lines 20-29)

11. Claim 6, is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson and Larsson as applied to claim 5 above, and further in view of Perng (US-6,625,476 herein after, Perng).

Regarding claim 6, Peterson and Larsson disclose all of the limitations of claim 5 with a transmitter/receiver tandem. Peterson and Larsson differ from the claimed invention in failing to disclose a microphone and speaker for voice communications during incoming calls, being integrated into a body mold having the size and shape to be set in or near the human ear. However, Perng discloses a wireless headset assembly that includes a speaker and a microphone for communicating with a radio device. (Col. 4 lines 1-11) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the oscillation prevention circuit for a master/slave transmitter/receiver tandem of Peterson and Larsson with a wireless headset like that of Perng. One of ordinary skill in the art would have been motivated to do this since having a device that is wireless and hands-free operational allows for true mobility. (Col. 2 lines 21-40)

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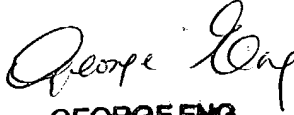
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (703)305-0810. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MCS
11/8/2004


GEORGE ENG
PRIMARY EXAMINER